

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits – Arbitration – An amount of Rs. 14,84,067/- towards 50% of the EP amount to be deposited in the Hon'ble District Court, Karimnagar to the credit of O.S No: 1/2006 filed by Sri J . Suryarao, Contractor in respect of the work relating to “ C.C. lining to Kakatiya Canal from KM 212.00 to KM 215.00 under SRSP in terms of the conditional stay granted by the Hon'ble High Court on 25-8-2010 in CRPMP No: 5183/2010 in CRP No: 3881/2010 – Sanctioned – Orders – Issued.

IRRIGATION & CAD (ARBITRATION) DEPARTMENT

G.O. Ms. NO. 6

Dt: 31 -01-2011.

Read :

From the ACE, SRSP, Hyderabad Lr. No.SRSP.II/DEE.2/AE-3/ 100/ 90/ 2009,
Dt. 27/10/09

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ORDER:

The Administrator –cum-Chief Engineer, SRSP., Hyderabad in his letter read above, has reported that the work relating to “ C.C. lining to Kakatiya Canal from KM 212.00 to KM 215.00 was entrusted to Sri J. Suryarao, Contractor under SRSP. Due to arising certain disputes in between Contractor and department, the matter referred to the Sole Arbitrator. The Sole Arbitrator passed award on 6.7.2005. The Hon'ble District Judge, Karimnagar in his Judgment & Decree dated 30.7.2009 in O.S No: 1/2006 filed by Sri J. Surya Rao, Contractor has ordered that 1. The suit of the plaintiff be and is hereby partly decreed. 2. The defendants be and are hereby directed to pay the interest @ 24% per annum from the date of award i.e., 06-07-2005 (before the Arbitrator), till the date of realization on the allowed claims under 1 (A) of Rs.10.33 lakhs , 2(A) of Rs.1.20 Lakhs and 3(A) Rs.2,89,200/-. 3. The defendants to pay Rs.5,452/- to the Plaintiff towards cost of the Suit.

2. The Administrator-cum-Chief Engineer, SRSP., Hyderabad has further reported that the Superintending Engineer., Construction Circle, Hanumakonda has informed that the amount to be paid as per the Award passed by the Sole Arbitrator dated 06-07-2005 and the orders passed by the Hon'ble District Judge, Karimnagar dated 30-07-2009, works out to Rs.29.457 Lakhs as detailed below:-

Claim No.	Description of Claim	Amount as per the Judgement of District Court, Karimnagar
1(A)	Cost of execution of work beyond the Agreement Period	Rs.10.330 Lakhs
1(B)	Compensation on the Amount of Claim of 1(A) @ 24% interest from 06-07-05 to 05-11-2009 (4 years 4 months)	Rs.10.740 Lakhs
2(A)	Towards extra dewatering Charges	Rs.1.200 Lakhs
2(B)	Compensation on the Amount of Claim of 2(A) @ 24% interest from 06-07-05 to 05-11-2009 (4 years 4 months)	Rs.1.240 Lakhs
3(A)	Payment of final bill for work done and refund of deposits and withheld amount	Rs.2.892 Lakhs
3(B)	Compensation on the Amount of Claim of 3(A) @ 24% interest from 06-07-05 to 05-11-2009 (4 years 4 months)	Rs. 3.000 Lakhs

4(A) to 9 (A)	Rejected	
	Add cost of the Suit	Rs.0.055 Lakhs
	Total	Rs.29.457 Lakhs

3. Aggrieved by the above Orders, an appeal filed before the Hon'ble High Court of AP Hyderabad. The Hon'ble High Court of AP Hyderabad in CRPMP No.5183/2010 in CRP No: 3881/2010 on 25-08-2010 has granted stay of all further proceedings pursuant to the Judgment and Decree in O.S No. 1 of 2006 on the file of the District Judge Karimnagar Dt: 30-7-2009, including the executing proceedings in E P No: 5/2010, subject to condition of the Petitioner depositing 50% of E P amount within ten weeks from today i.e., 25.10.2010. On such deposit, the respondent is permitted to withdraw the same without furnishing any security. In default of depositing the said amount, the stay shall stand vacated with out any reference to the Court. Fifty percent (50%) of the claim made in E.P. No. 5/2010 works out to be Rs. 14,84,067/- in the following manner.

Claim No:	Description of Claim	Amount as per the EP No: 5/2006 filed in Dist. Court, Karimnagar
1(A)	Cost of execution of work beyond the agreement period	Rs.10,33,000
	Interest from 6-7-2005 to 30-12-2009 @24% (4 years 5 Months and 25 days)	Rs.10,79,863
2(A)	Towards extra dewatering Charges	Rs.1,20,000
2(B)	Interest from 6-07-2005 to 30-12-2009 @ 24% (4years 5 Months 25 days)	Rs.1,28,033
3(A)	Payment of final bill for work done and refund the deposits and withheld amount	Rs.2,89,200
3(B)	Interest from 6-07-2005 to 30-12-2009 @ 24 % (4Years, 5 Months 25 Days)	Rs.3,10,002
	TOTAL	Rs.29,60,098
	Amount of costs if any awarded	Rs.5,452
	Cost of EP& Pleader fee	2,584
	Total Rs.	29,68,134
	50%of the EP Amount Rs.	14,84,067

The Advocate General has requested the Superintending Engineer, Construction Circle, Hanmukonda to comply the above interim order of Hon'ble High Court of A.P., Hyderabad with in the stipulated time and intimate them.

4. The Administrator-cum-Chief Engineer, SRSP, Hyderabad has requested to communicate the orders for depositing an amount of Rs.14,84,067/- in the Hon'ble District Court, Karimnagar to the credit of OS No: 1/2006 as per interim conditional stay granted by the Hon'ble High Court of AP, Hyderabad in CRPMP No: 5183/2010 in CRP No: 3881/2010 dt: 25-08-2010.

5. Government after careful examination of the matter, hereby accord sanction for an amount of Rs. 14,84,067/- (Rupees Fourteen lakhs Eighty four thousand and Sixty seven only) towards 50% of EP Amount to be deposited in the Hon'ble District Court, Karimnagar to the credit of O.S No: 1/2006 filed by Sri J. Suryarao Contractor in respect of the work relating to "CC lining to Kakatiya Canal from KM 212.00 to KM 215.00 entrusted to Sri J. Surya Rao, Contractor, vide agreement LS AB No. 60/81-82, dated 8-12-81.

6 The amount sanctioned in para (5) above shall be debitable to the following detailed Head of Account:-

"MH. 2701 – COL on Major & Medium Irrigation; 01 – Major Irrigation (Commercial); 116 – SRSP; GH – 11 – Normal State Plan; SH. 27 – Canals & Distributaries; 530 – Major Works; 531 – Other Expenditure".

7. The Administrator-cum-Chief Engineer, SRSP, Hyderabad is directed to deposit the above sanctioned decretal amount in the respective Court and to avoid further legal complications in E. P. No 5/2010.

8. This order issues with the concurrence of Finance (W & P) Department vide their U.O No. 5579/F4(2)/10-1, dated: 21.12.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. PRASANTA MAHAPATRA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Administrator-cum-Chief Engineer, SRSP, Hyderabad.

The Accountant General, A.P., Hyderabad.

The Director of Works Accounts, A.P., Hyderabad.

The District Treasury Officer, Karimnagar.

The Pay and Accounts Officer, Karimnagar.

The Superintending Engineer, I & CAD, Construction Circle,

SRSP. Huzurabad, Karimnagar Dist.

The Executive Engineer, Construction Division No.II, SRSP,

Huzurabad, Karimnagar Dist.

Copy to:

The P.S. to Minister (M& MI).

The P.S. to Prl. Secretary to Government

The Finance (W & P) Department

The I&CAD (P&B) Department.

The Government Pleader, City Civil Court, Hyderabad.

SF/SC

//Forwarded: By Order//

Section Officer.